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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LES COHEN,

Plaintiff,

v.

GLYNIS TURRENTINE; and SUNTRUST  
MORTGAGE, INC.; and U.S. BANK  
NATIONAL ASSOCIATION AS  
TRUSTEE FOR JP ALT 2006-A2; and  
MONTEREY AT THE LAS VEGAS  
COUNTRY CLUB; and LAS VEGAS  
INTERNATIONAL COUNTRY CLUB  
ESTATES; DOES 1 through 10, inclusive  
ROE CORPORATION, 1 through 10,  
inclusive,

Defendants.

CASE NO. 2:15-CV-00412-GMN-GWF

**DEFENDANT SUNTRUST  
MORTGAGE, INC.'S STATEMENT  
REGARDING THE COURT'S MARCH  
9, 2015 ORDER CONCERNING  
REMOVAL**

Pursuant to the Court's March 9, 2015 Order Concerning Removal, Defendant SunTrust Mortgage, Inc. ("SunTrust"), submits the following responsive statement:

1. *The date(s) on which you were served with a copy of the Complaint in the removed action:*

On January 29, 2015, Plaintiff, Les Cohen, filed the Complaint, initiating the Action. Plaintiff served the Complaint to SunTrust on February 5, 2015.

2. *The date(s) on which you were served with a copy of the summons:*

Plaintiff served the Summons to SunTrust on February 5, 2015.

3. *In removals based on diversity jurisdiction, the names of any served defendants who are citizens of Nevada, the citizenship of the other parties and a summary of defendant's evidence of the amount in controversy:*

a) Citizenship of the parties:

There is complete diversity between the parties because, as set forth in detail below, none of the properly joined Defendants are citizens of Nevada. At the time Plaintiff's Complaint was filed, Plaintiff was a citizen of the State of Nevada.

Under 28 U.S.C. § 1332(c)(1), a corporation is a citizen of any state in which it has been incorporated and of any state where it has its principal place of business. SunTrust is, and was at the time this action was commenced, a corporation incorporated in Virginia with its principal place of business in that state.

Co-defendant U.S. Bank National Association As Trustee of JP ALT 2006-A2 ("U.S. Bank") is, and was at the time this action commenced, a Delaware corporation with its principal place of business in that state.

Co-defendants Glynis Turrentine ("Turrentine"), Monterey at the Las Vegas Country Club, and Las Vegas International Country Club Estates (the "HOA Defendants") are Nevada citizens, but fraudulently joined, and thus their citizenship should be disregarded for purposes of determining diversity as detailed below.

b) Summary of evidence of amount in controversy:

The jurisdictional amount required for removal based on diversity is also met because Plaintiff's Complaint establishes that the amount in controversy exceeds the sum of \$75,000.00. 28 U.S.C. § 1332(a). "In a suit to quiet title, or to remove a cloud therefrom, it is not the value of the defendant's claim which is the amount in controversy, but it is the whole of the real estate to which the claim extends." *Allum v. Mortgage Elec. Registration Sys., Inc.*, 2:12-CV-00294-GMN, 2012 WL 4746927 (D. Nev. Oct. 3, 2012) (citing *Garfinkle v. Wells Fargo Bank*, 483 F.2d

1 1074, 1076 (9th Cir.1973) (treating entire value of real property as amount in controversy in  
2 action to enjoin foreclosure sale).)

3 Plaintiff seeks title to the property free of any obligations under the First and Second  
4 Deeds of Trust. Turrentine originally executed a promissory note secured by a deed of trust on  
5 the Property in the amount of \$185,600.00. *See* Deed of Trust recorded November 18, 2005, *See*  
6 Docket No. 1 at Exhibit I. Thereafter, Turrentine executed a secondary promissory note secured  
7 by a deed of trust on the Property in the amount of \$46,400.00. *See* Deed of Trust (Secondary  
8 Lien) Recorded November 18, 2005, *See* Docket No. 1 at Exhibit J. Accordingly, Plaintiff seeks  
9 to extinguish over \$230,000 in liens on the Property. Consequently, the Action satisfies the  
10 amount in controversy requirement under 28 U.S.C. § 1332.

11 4. *If your notice of removal was filed more than thirty (30) days after you first*  
12 *received a copy of the summons and complaint, the reason removal has taken place at this time*  
13 *and the date you first received a paper identifying the basis for removal:*

14 Not applicable.

15 5. *In actions removed on the basis of this Court's jurisdiction in which the action in*  
16 *state court was commenced more than one year before the date of removal, the reasons this*  
17 *action should not summarily be remanded to the state court.*

18 Not applicable.

19 6. *The name(s) of any defendant(s) known to have been served before you filed the*  
20 *notice of removal who did not formally join in the notice of removal and the reasons they did not.*

21 Not applicable. The fraudulently joined defendants have not appeared and are not  
22 properly a part of this action as set forth in SunTrust's removal papers and its Response to Order  
23 to Show Cause.

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1 Because SunTrust has timely filed a notice of removal of an action for which this Court  
2 has original jurisdiction based on diversity of citizenship and satisfaction of the amount in  
3 controversy requirement, the Action was properly removed to this Court.

4 Dated: March 25, 2015

SNELL & WILMER L.L.P.

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **DEFENDANT SUNTRUST MORTGAGE, INC.'S STATEMENT REGARDING THE COURT'S MARCH 9, 2015 ORDER CONCERNING REMOVAL** by the following method and addressed to the following:

  X   via CM/ECF electronic service

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DATED this 25<sup>th</sup> day of March, 2015.

  
An employee of Snell & Wilmer L.L.P.

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